

## SUMMARY OF PROPOSED CHANGES TO SPECIAL EDUCATION RULES

Outlined below are the major substantive changes being proposed to the Utah State Board of Education Special Education Rules required by the 2004 Reauthorization of the Individuals with Disabilities Education Act (IDEA) and its implementing Regulations published on August 3, 2006, and changes in state statute.

page	sd/sd	Rule	Proposed Changes
1	1	I.A. Purpose	Adds further education to IDEA purposes.
2	3	I.E. Definitions	Defines: behavior expert, behavior intervention plan, charter schools, core academic subjects, highly qualified sp ed teacher, functional behavior assessment, homeless, Individual Family Services Plan, IEP team, limited English proficient, reinforcer, transition services, scientifically-based research; changes applied technology education to career and technical education.
20	35	II.B. Referral/Request for Evaluation	Deletes requirement for regular education interventions. Clarifies LEA responsibility for responding to requests for evaluation and for actions when parents refuse consent for evaluation.
22	38	II.C. Initial Evaluation	Establishes timeline for completion of evaluation and eligibility determination; provides for exceptions to timeline.
24	42	II.E. Reevaluation	Sets limits on frequency of reevaluation, clarifies LEA responsibility when parents refusal consent for reevaluation; adds that LEA and parents may agree to waive 3-year reevaluation.
28	48	II.G. Determination of Eligibility	Determinant factor for eligibility may not be lack of appropriate instruction in reading including essential components.
29	50	II.H. Categorical Definitions	Adds information on resistance to change and sensory response to Autism; changes Communication Disorders to Speech/Language Impairment; adds brain injury to definition of OHI; deletes cortical deafness from Deafblindness and Hearing Impaired/Deaf; establishes criteria for methods of determining eligibility for SLD.
59	99	III.D. Transfer Students	Clarifies procedures for in state and out of state transfers and obtaining records.
60	102	III.F. IEP Team Membership	Clarifies and expands who can act as a regular education teacher for preschool and school to post-school transition IEPs.

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62	104	III.G. IEP Team Attendance	Adds provisions for team members to be excused or to have attendance not needed at an IEP meeting.
64	107	III.I. Notice of Meeting	Revises age when transition plan is required to by age 16 or earlier if appropriate; deletes requirement for written record of notice of meeting.
65	109	III.J. Development, Review, and Revision of the IEP	Makes provisions for changes to IEP without team meeting; encourages consolidation of eligibility and IEP meetings; requires consideration of academic, developmental, and functional needs of student.
68	114	III.K. Definition and Content of IEP	Changes Present Levels of Academic Achievement and Functional Performance; deletes requirement for short term objective or benchmarks unless student participates in alternate assessment on alternate standards; requires school to postschool transition IEP to have measurable postsecondary goals based on transition assessments.
73	122	III.R. Least Restrictive Behavioral Interventions	Moves LRBI rule to III.P; maintain procedures in Tech. Ass. Manual; deletes requirements for regular meeting of local LRBI committee; clarifies BIP part of IEP.
81	134	III.W. Parental Consent for Services	Codifies parental consent required for initial placement (provision of services).
125		III.N, T, V, U, AA, BB.	Moves subsections to new section VI.
83	146	IV.F. Parental Consent	Includes UCA 53A-13-302 on waiting period for parent consent for psychological evaluation.
91	150	IV.E. State Complaint	Clarifies 60 days as total complaint timeline; limits time period for alleged violations in a state complaint.
87	143	IV.E. Procedural Safeguards Notice	Revises schedule for provision of procedural safeguards notice to parents.
93	153	IV.G. Mediation	Requires mediation to be available at any point in IDEA process.
95	156	IV.H. Filing a Due Process Complaint	Establishes 2 year statute of limitation on matters in due process request, unless parent prevented from filing or LEA withheld information.
97	161	IV.J. Model Forms	Requires SEA to have model forms for due process hearing request on website.
97	161	IV.K. Resolution Process	Establishes resolution process before due process hearing takes place.
98	163	IV.L. Impartial Hearings	Establishes standards for hearing officer selection.
100	166	IV.N. Hearing Decisions	Sets standards for hearing officer decisions.
102	169	IV.S. Attorney's Fees	Permits attorney's fees of LEA to be paid under certain circumstances.
105	173	IV.U. Surrogate Parents	Provides for appointment of surrogate by LEA for unaccompanied homeless youth.
113	188	IV.W. Confidentiality	Defines when records no longer needed will be destroyed.

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116	191	V.B. Authority of School Personnel	Expands authority of school personnel.
118	195	V.E. Manifestation Determination	Changes criteria for determining conduct a manifestation of disability; adds parent and LEA may agree to change of placement if behavior is manifestation of disability; adds serious bodily injury to special circumstances; defines terms.
120	199	V.H. Appeals	Defines authority of HO to order change of placement in appeals.
122	201	V.J. Students not yet Eligible	Sets criteria for deeming LEA knowledge student might be student with disability.
125		VI. Students with Disabilities in Other Settings	New section contains all requirements related to students with disabilities in settings other than public schools; most moved from section III.
126	208	VI.B. Students with Disabilities Enrolled by Parents in Private Schools When FAPE is Not at Issue (Unilateral Placement)	Clarifies details of LEA responsibilities for parentally placed private school students in LEA boundaries, including out of state students; requires records of eligible students and reporting to USOE; provides for complaints and appeals to Secretary about consultation process.
139	230	VI.D. Students with Disabilities Enrolled in Home School	Clarifies dual enrollment requirements under state statute.
141	232	VI.E. SWD in Private Schools or Facilities Placed by Non-educational Public Agencies for Non-educational Reasons	Clarifies responsibilities of LEAs for Utah students with disabilities placed in private schools by other public agencies in the state.
143	237	VI.H. St. w/ Disabilities in 24-hr Facilities	Clarifies LEA responsibilities.
145	238	VI.J Program Coordination Between the USDB and LEAs for Students with Hearing and Vision Impairments	Clarifies responsibilities for students with disabilities who are receiving services from both USDB and an LEA.
148		VII. Transitions	New section contains all requirements for transitions from Part C to Part B, and from school to post-school.
149	244	VII.B. Transition Services—School to Post-School	IEP must contain measurable postsecondary goals based on transition assessments; LEA provides student graduating or terminating due to reaching age 22 a written summary of academic achievement and functional performance with recommendations.
154	253	VII.C. Graduation	Clarifies graduation rules.

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158	260	VIII.B-G. Monitoring	Describes monitoring requirements of OSEP for SEA, and USOE for LEAs; and State Performance Plan/Annual Performance Plan requirements.
168	277	VIII.I. Personnel Qualifications	Highest qualification of profession deleted.
Gold. p. 127		VII.D. Provision for Ldrship	Deleted.
Gold. p. 131		VII.I Designated Psych Exam	Deleted.
183	297	VIII.N. Use of Federal Funds	Describes Utah's high cost fund; describes required uses and expands allowable uses of funds for state-level activities.
194	321	VIII.S. Instructional Mat'ls in Accessible Formats	Describes USOE's involvement with NIMAS and NIMAC.
195	323	VIII.S. Prohibition on Mandatory Medication	References USBE Administrative Rule on medication.
201	333	IX.C Early Intervening Services	Permits use of some IDEA funds for services prior to eligibility determination.
205	335	IX.F.7. Caseloads	Adds provision for exception to maximum caseload limits.
206	340	IX.I. Instructional Mat'ls in Accessible Formats	Describes LEA's involvement with NIMAS and NIMAC.
207	341	X.A. Allocation of State Revenues	Adds current state funding formula from Utah Code.